

JEFFREY L. KESSLER (*pro hac vice*)
A. PAUL VICTOR (*pro hac vice*)
ALDO A. BADINI (257086)
EVA W. COLE (*pro hac vice*)
MOLLY M. DONOVAN (*pro hac vice*)
WINSTON & STRAWN LLP
200 Park Avenue
New York, New York 10166-4193
Telephone: (212) 294-6700
Facsimile: (212) 294-4700
Email: jkessler@winston.com

STEVEN A. REISS (*pro hac vice*)
DAVID L. YOHAI (*pro hac vice*)
ADAM C. HEMLOCK (*pro hac vice*)
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153-0119
Telephone: (212) 310-8000
Facsimile: (212) 310-8007
Email: steven.reiss@weil.com

*Attorneys for Defendants Panasonic Corporation of North America, MT Picture Display Co., Ltd.,
and Panasonic Corporation (f/k/a Matsushita Electric Industrial Co., Ltd.)*

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re: CATHODE RAY TUBE (CRT) ANTITRUST
LITIGATION

Case No. 07-5944 SC

MDL No. 1917

This Document Relates to:

DIRECT PURCHASER ACTIONS

**DECLARATION OF JENNIFER M.
STEWART IN SUPPORT OF DIRECT
PURCHASER PLAINTIFFS'
ADMINISTRATIVE MOTION TO
SEAL DOCUMENTS PURSUANT TO
CIVIL LOCAL RULES 7-11 AND 79-
5(d)**

1 I, Jennifer M. Stewart, declare as follows:

2 1. I am an attorney with Winston & Strawn LLP, counsel for Defendants Panasonic
3 Corporation of North America, MT Picture Display Co., Ltd., and Panasonic Corporation (f/k/a
4 Matsushita Electric Industrial Co., Ltd.) (collectively, the “Panasonic Defendants”) in these actions.
5 I am a member of the bar of the State of New York and I am admitted to practice before this Court
6 *pro hac vice*. Except for those matters stated on information and belief, about which I am informed
7 and which I believe to be true, I have personal knowledge of the facts stated herein and, if called as a
8 witness, I could and would competently testify thereto.

9 2. On June 18, 2008, the Court approved a “Stipulated Protective Order” in this matter
10 (Dkt. No. 306). On November 11, 2013, direct purchaser plaintiffs (“DPPs”) filed an Administrative
11 Motion to Seal (Dkt. No. 2208), and lodged conditionally under seal, the following documents
12 pursuant to Civil Local Rule 7-11:

13 (a) Portions of DPPs’ Reply Brief in Support of DPPs’ Motion for Class Certification
14 (the “Reply Brief”);

15 (b) Exhibits 1, 5, 6, and 7 to the Declaration of Geoffrey C. Rushing in Support of the
16 Reply Brief (the “Rushing Declaration”); and

17 (c) The Reply Expert Report of Jeffrey J. Leitzinger, Ph.D. (the “Leitzinger Report”).

18 3. Pursuant to Civil Local Rule 79-5(d), I make this declaration on behalf of the
19 Panasonic Defendants to provide the basis for the Court to maintain under seal certain documents
20 and information designated by the Panasonic Defendants as “Confidential” or “Highly Confidential”
21 pursuant to the Stipulated Protective Order, and all references to those documents and information in
22 the Reply Brief, the Rushing Declaration and exhibits, and the Leitzinger Report.

23 4. Specifically, the Panasonic Defendants request that the following documents and
24 excerpts of documents be maintained under seal: (i) Exhibit 5 to the Rushing Declaration (a copy of
25 the Memorandum of Law in Support of Defendants’ Motion to Strike the Proposed Expert
26 Testimony of Dr. Janet S. Netz (the “Motion to Strike”)); and (ii) all references to information
27

1 designated "Confidential" or "Highly Confidential" by the Panasonic Defendants in the Reply Brief
2 and the Leitzinger Report.

3 5. Attached as Exhibit 5 to the Rushing Declaration is a copy of the Motion to Strike
4 filed under seal pursuant to Defendants' Joint Administrative Motion to Seal Documents Pursuant to
5 Civil Local Rules 7-11 and 79(c), Dec. 17, 2012 (Dkt. No. 1489) ("Joint Motion") and served in this
6 action. The Joint Motion was supported in part by the Declaration of Eva W. Cole in Support of
7 Defendants' Joint Motion (Dkt. No. 1489-1), which set forth the basis for maintaining under seal the
8 Motion to Strike, among other documents, which quotes from, references or describes information
9 designated as "Highly Confidential" by the Panasonic Defendants pursuant to the Stipulated
10 Protective Order. On December 27, 2012, this Court granted Defendants' Joint Motion for good
11 cause shown (*see* Dkt. No. 1523) and Defendants' subsequently filed a redacted version of the
12 Motion to Strike in the public record pursuant to the Court's order (*see* Dkt. No. 1659).

13 6. Upon information and belief, the Reply Brief and the Leitzinger Report likewise
14 quote from, reference or describe documents or information designated as "Highly Confidential" by
15 the Panasonic Defendants pursuant to the Stipulated Protective Order. The Reply Brief and
16 Leitzinger Report contain, cite, and/or identify confidential information about the Panasonic
17 Defendants' sales processes, business practices, business plans, pricing practices and competitive
18 positions. The Reply Brief and the Leitzinger Report describe relationships with companies that
19 remain important to the Panasonic Defendants' competitive position. I am informed and believe that
20 this is sensitive information and public disclosure of this information presents a risk of undermining
21 the Panasonic Defendants' business relationships, would cause it harm with respect to its
22 competitors and customers, and would put the Panasonic Defendants at a competitive disadvantage.

23 7. I am informed and believe that the Panasonic Defendants have taken reasonable steps
24 to preserve the confidentiality of information of the type contained, identified, or cited to in Exhibit
25 5 and referenced in the Reply Brief and the Leitzinger Report.

26 8. I declare under penalty of perjury under the laws of the United States of America that
27 the foregoing is true and correct.

1 DATED: November 15, 2013

By: /s/ Jennifer M. Stewart

JEFFREY L. KESSLER (*pro hac vice*)

Email: jkessler@winston.com

A. PAUL VICTOR (*pro hac vice*)

Email: pvictor@winston.com

ALDO A. BADINI (257086)

Email: abadini@winston.com

EVA W. COLE (*pro hac vice*)

Email: ewcole@winston.com

MOLLY M. DONOVAN (*pro hac vice*)

Email: mmdonovan@winston.com

JENNIFER M. STEWART (*pro hac vice*)

Email: jstewart@winston.com

WINSTON & STRAWN LLP

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Telephone: (212) 294-6700

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STEVEN A. REISS (*pro hac vice*)

Email: steven.reiss@weil.com

DAVID L. YOHAI (*pro hac vice*)

Email: david.yohai@weil.com

ADAM C. HEMLOCK (*pro hac vice*)

Email: adam.hemlock@weil.com

WEIL, GOTSHAL & MANGES LLP

767 Fifth Avenue

New York, New York 10153-0119

Telephone: (212) 310-8000

Facsimile: (212) 310-8007

GREGORY D. HULL (57367)

Email: greg.hull@weil.com

WEIL, GOTSHAL & MANGES LLP

201 Redwood Shores Parkway

Redwood Shores, California 94065-1175

Telephone: (650) 802-3000

Facsimile: (650) 802-3100

*Attorneys for Defendants Panasonic Corporation of
North America, MT Picture Display Co., Ltd., and
Panasonic Corporation (f/k/a Matsushita Electric
Industrial Co., Ltd.)*